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STATUTES

ENACTED IN PARLIAMENT, 1935 (JANUARY TO JUNE).

25 & 26 Geo. 5.

STATUTES

ENACTED IN PARLIAMENT, 1935 (JANUARY TO JUNE).

25 & 26 Geo. 5.

CHAPTER 2.

SUPREME COURT OF JUDICATURE (AMENDMENT) ACT, 1935.

An Act to amend the Supreme Court of Judicature (Consolidation) Act, 1925, by increasing to nineteen the number of puisne judges who may be appointed to be attached to the King's Bench Division of the High Court, by making provision for the appointment and precedence of a Vice-President of the Court of Appeal, by permitting certain orders of court in matrimonial proceedings to be made before decree absolute, and by providing for the hearing in camera of certain evidence in nullity proceedings; and for purposes connected with the matters aforesaid. [12*th February*, 1935.

Be it enacted, etc. :—

1. *Amendment of* 15 & 16 *Geo.* 5, *c.* 49, *ss.* 4 *and* 11.]—(1) The number of puisne judges who may be appointed to be attached to the King's Bench Division of the High Court shall be increased to nineteen; and accordingly paragraph (ii) of subsection (1) of section four of the Supreme Court of Judicature (Consolidation) Act, 1925 (hereinafter referred to as "the principal Act") (which determines the constitution of that Division) shall have effect as if for the word "seventeen" there were therein substituted the word "nineteen."

(2) Proviso (*a*) to subsection (1) of section eleven of the principal Act (which provides that, whenever the whole number of puisne judges attached to the King's Bench Division amounts to fifteen or upwards, a vacancy occurring among them shall not be filled except after presentation to His Majesty of an address from both Houses of Parliament) shall have effect as if for the words "Whenever the whole number of "the puisne judges attached to the King's Bench Division amounts to "fifteen or upwards, a vacancy occurring among those judges" there were therein substituted the words "If after the occurrence at any time "of a vacancy among the puisne judges attached to the King's Bench "Division, the number of those judges amounts to seventeen or more, "the vacancy".

(3) The said proviso (*a*) shall not apply to any appointment made by virtue of the provisions of subsection (1) of this section within a period of one year from the passing of this Act, but for the purposes of the application of the said proviso to any such appointment made after the expiration of that period, the appointment shall be deemed to be the filling of a vacancy which has occurred among the puisne judges attached to the King's Bench Division, notwithstanding that the office to which a judge is thereby appointed may not have been vacated by any other judge.

2. *Vice-President of Court of Appeal.*]—(1) Subsection (4) of section six of the principal Act shall have effect as if at the end thereof there were inserted the words following, that is to say—

"and may appoint to be Vice-President of that court one of the Lords Justices of Appeal, who shall preside when sitting and acting in any division of the Court of Appeal if no ex officio judge of that court is sitting in that division."

(2) For the purposes of giving effect to the provisions of the last foregoing subsection, the amendments specified in the second column of the Schedule to this Act shall be made in the provisions of the principal Act specified in the first column of that Schedule.

(3) The provisions of this section shall not affect the persons holding office as Lords Justices of Appeal at the date of the passing of this Act and accordingly those persons shall have rank and precedence in all respects as if this Act had not been passed.

3. *Amendment of* 15 & 16 *Geo.* 5, *c.* 49, *ss.* 191 *and* 192.]—(1) Section one hundred and ninety-two of the principal Act shall have effect as if at the end thereof there were inserted the following subsection :—

"(2) The powers of the court under this section may be exercised at any time after a decree nisi has been pronounced, but no order made under this section shall take effect unless and until the decree is made absolute."

(2) For the avoidance of doubts it is hereby declared that the powers of the court to make orders under subsection (1) or subsection (2) of section one hundred and ninety of the principal Act or under subsection (1) of section one hundred and ninety-one of that Act may, in any case in which the court pronounces a decree for divorce or, as respects the said section one hundred and ninety for nullity of marriage, be exercised at any time after the decree nisi has been pronounced so, however, that no such order, save in so far as it relates to the preparation, execution or approval of a deed or instrument, and no settlement made in pursuance of any such order, shall take effect unless and until the decree is made absolute.

4. *Certain evidence in nullity proceedings to be in camera.*]—The principal Act shall have effect as if the following section were inserted after section one hundred and ninety-eight thereof :—

"198A. In any proceedings for nullity of marriage, evidence on the question of sexual capacity shall be heard in camera unless in any case the judge is satisfied that in the interests of justice any such evidence ought to be heard in open court."

5. *Short title.*]—This Act may be cited as the Supreme Court of Judicature (Amendment) Act, 1935.

SCHEDULE.

CONSEQUENTIAL AMENDMENTS TO 15 & 16 GEO. V, c. 49.

Section to be amended.	Amendment.
Section six - - -	In subsection (3) after the words "Court of Appeal" there shall be inserted the words "(including the judge appointed "under this section to be Vice-President "of that court)."
Section sixteen - -	After subsection (2) there shall be inserted the following subsection :— "(2*a*) The Vice-President of the Court of Appeal shall have rank and precedence next after the President of the Probate Division." and in subsection (3) after the word "and" there shall be inserted the words "except the Vice-President of the Court of Appeal shall rank."

CHAPTER 3.

ELECTRICITY (SUPPLY) ACT, 1935.

An Act to authorise the Central Electricity Board to make certain arrangements with authorised undertakers who are the owners of, or control, generating stations which are not selected stations; to authorise the Central Electricity Board to supply electricity directly to railway companies for certain purposes; to amend sections eleven and twelve of the Electricity (Supply) Act, 1926; and for purposes connected with the matters aforesaid. [12*th February*, 1935.

CHAPTER 4.

CONSOLIDATED FUND (No. 1) ACT, 1935.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-five. [15*th February*, 1935.

CHAPTER 5.

EDUCATIONAL ENDOWMENTS (SCOTLAND) ACT, 1935.

An Act to extend by a further period of two years the period during which the powers of the Commissioners appointed under the Educational Endowments (Scotland) Act, 1928, as amended by the Educational Endowments (Scotland) Act, 1931, may be exercised, and to empower the Scottish Education Department to disapprove schemes submitted to them under the said Acts and to frame amended schemes, and for purposes connected therewith. [15*th February*, 1935.

CHAPTER 6.

UNEMPLOYMENT ASSISTANCE (TEMPORARY PROVISIONS) ACT, 1935.

An Act to make temporary provision for securing as nearly as may be that the allowances payable under Part II of the Unemployment Act, 1934, to persons who but for the operation of subsection (2) of

section fifty-nine of that Act would at any time since the sixth day of January nineteen hundred and thirty-five have been entitled to transitional payments, shall not be less than the transitional payments that would have been payable to them but for the operation of the said subsection; to postpone the second appointed day for the purposes of the said Act; and for purposes connected with the matters aforesaid. [15*th February*, 1935.

CHAPTER 7.

BRITISH SHIPPING (ASSISTANCE) ACT, 1935.

An Act to make provision for the granting of financial assistance to the owners of ships registered in the United Kingdom in respect of tramp voyages carried out during the year nineteen hundred and thirty-five, and to persons qualified to be owners of British ships in respect of proposals for the improvement of merchant shipping fleets; to provide for the repeal of section eighteen of the Economy (Miscellaneous Provisions) Act, 1926; and for purposes connected with the matters aforesaid. [26*th February*, 1935.

CHAPTER 8.

UNEMPLOYMENT INSURANCE ACT, 1935.

An Act to consolidate the Unemployment Insurance Acts, 1920 to 1934, and certain other enactments relating to those Acts. [26*th February*, 1935.

CHAPTER 9.

HERRING INDUSTRY ACT, 1935.

An Act to provide for the establishment of a Board with power to make, in consultation with the herring industry, a scheme with respect to the reorganisation, development and regulation of the industry, for the variation or revocation of the scheme, for authorising the giving of financial assistance to, and borrowing by, the Board, and to make other provision in connection with the matters aforesaid. [14*th March*, 1935.

CHAPTER 10.

CONSOLIDATED FUND (No. 2) ACT, 1935.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six. [28*th March*, 1935.

CHAPTER 11.

REGIMENTAL CHARITABLE FUNDS ACT, 1935.

An Act to make provision as to the disposition of certain regimental charitable funds. [28*th March*, 1935.

CHAPTER 12.

CATTLE INDUSTRY (EMERGENCY PROVISIONS) ACT, 1935.

An Act to provide for extending by not more than six months the period during which cattle or carcases of cattle must have been sold in order that payments in respect thereof may be made out of the Cattle Fund; for the making of further advances to the said fund out of the Consolidated Fund of the United Kingdom; and for purposes connected with the matters aforesaid. [28*th March*, 1935.

CHAPTER 13.

INCREASE OF RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACT, 1935.

An Act to amend the interpretation of "tenant" in paragraph (*g*) of subsection (1) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and the provisions of section thirteen of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933. [28*th March*, 1935.

Be it enacted, etc. :—

1. *Amendment of interpretation of "tenant."*—Paragraph (*g*) of subsection (1) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and section thirteen of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, shall have effect as if the words "dying intestate" in all places where they occur were omitted.

2. *Short title and citation.*]—This Act may be cited as the Increase of Rent and Mortgage Interest (Restrictions) Act, 1935, and this Act and the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, may be cited together as the Rent and Mortgage Interest Restrictions Acts, 1920 to 1935.

CHAPTER 14.

POST OFFICE AND TELEGRAPH (MONEY) ACT, 1935.

An Act to provide for raising further money for the development of the postal, telegraphic, and telephonic systems. [28*th March*, 1935.

CHAPTER 15.

POST OFFICE (AMENDMENT) ACT, 1935.

An Act to amend the Post Office Act, 1908, and other enactments relating to the Post Office. [28*th March*, 1935.

CHAPTER 16.

METROPOLITAN POLICE (BORROWING POWERS) ACT, 1935.

An Act to extend the powers of the Receiver for the Metropolitan Police District with respect to the borrowing of money for the provision of better accommodation required for the purposes of the Metropolitan Police Force; and to enable the Public Works Loan Commissioners to lend money for such purposes. [11*th April*, 1935.

CHAPTER 17.

ARMY AND AIR FORCE (ANNUAL) ACT, 1935.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and the Air Force. [11*th April*, 1935.

CHAPTER 18.

NATIONAL GALLERY (OVERSEAS LOANS) ACT, 1935.

An Act to authorise the lending overseas of pictures comprised in the collections of the National Gallery which are by British artists. [11*th April*, 1935.

CHAPTER 19.

LAND DRAINAGE (SCOTLAND) ACT, 1935.

An Act to extend by a further period of two years the period during which the powers of the Department of Agriculture for Scotland to prepare and settle schemes under the Land Drainage (Scotland) Act, 1930, may be exercised. [11*th April*, 1935.

CHAPTER 20.

VAGRANCY ACT, 1935.

An Act to amend section four of the Vagrancy Act, 1824, so far as it relates to persons wandering abroad and lodging in barns or other places. [6*th June*, 1935.

Be it enacted, etc. :—

1. *Amendment of* 5 *Geo.* 4, *c.* 83, *s.* 4].—(1) So much of section four of the Vagrancy Act, 1824, as enacts that a person wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence, and not giving a good account of himself, shall be deemed a rogue and vagabond within the meaning of that Act, shall have effect subject to the following provisions of this section.

(2) The words "not having any visible means of subsistence" in the said enactment are hereby repealed.

(3) A person wandering abroad and lodging as aforesaid shall not be deemed by virtue of the said enactment a rogue and vagabond within the meaning of the said Act unless it is proved either—

(*a*) that, in relation to the occasion on which he lodged as aforesaid, he had been directed to a reasonably accessible place of shelter and failed to apply for, or refused, accommodation there;

(*b*) that he is a person who persistently wanders abroad and, notwithstanding that a place of shelter is reasonably accessible, lodges or attempts to lodge as aforesaid; or

(*c*) that by, or in the course of, lodging as aforesaid he caused damage to property, infection with vermin, or other offensive consequence, or that he lodged as aforesaid in such circumstances as to appear to be likely so to do.

In this subsection the expression "a place of shelter" means a place where provision is regularly made for giving (free of charge) accommodation for the night to such persons as apply therefor.

(4) The reference in the said enactment to a person lodging under a tent or in a cart or waggon shall not be deemed to include a person lodging under a tent or in a cart or waggon with or in which he travels.

2. *Short title and extent.*]—(1) This Act may be cited as the Vagrancy Act, 1935.

(2) This Act shall not extend to Scotland or to Northern Ireland.

CHAPTER 21.

NORTHERN IRELAND LAND PURCHASE (WINDING UP) ACT, 1935.

An Act to make provision for the winding up of the system of land purchase in Northern Ireland established by the Land Purchase Acts and other enactments in that behalf, for the abolition of the Land Purchase Commission, Northern Ireland, and the transfer of functions exercisable under the said Acts and other enactments, and for purposes incidental to the purposes aforesaid and consequential thereon. [*6th June*, 1935.

CHAPTER 22.

UNEMPLOYMENT ASSISTANCE (TEMPORARY PROVISIONS) (No. 2) ACT, 1935.

An Act to make temporary provision for the financial adjustments necessary by reason of the second appointed day for the purposes of The Unemployment Act, 1934, having been postponed from the first day of March, nineteen hundred and thirty-five; and to authorise the borrowing by public assistance authorities of sums required for the purpose of meeting expenditure incurred by them for the year ended on the thirty-first day of March, nineteen hundred and thirty-five, in excess of their estimates for that year. [*6th June*, 1935.

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